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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,061	08/06/2003	Shawn Michael Nave	TUC920030065US1	1310
42640	7590	12/13/2005	EXAMINER	
DILLON & YUDELL LLP 8911 NORTH CAPITAL OF TEXAS HWY SUITE 2110 AUSTIN, TX 78759			MAZZUCA JR, DOUGLAS	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/635,061	NAVE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Douglas E. Mazzuca	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 7-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/06/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-17, drawn to an apparatus for installing and removing a flexible flat cable, classified in class 29, subclass 235.
  - II. Claims 18-24, drawn to a method of removing a flexible flat cable, classified in class 29, subclass 426.6.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process of group II can be performed by an apparatus that does not contain a shelf as described in the apparatus.
3. If Group I is elected by applicant, applicant must also choose one of the following groups:
  - III. Claims 1-6, drawn to a tool for installing and removing a flexible flat cable, classified in class 29, subclass 235.
  - IV. Claims 7-17, drawn to a system for installing and removing a flexible flat cable, classified in class 29, subclass 235.
4. Inventions IV and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed

does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed such as the tool having a flat bottom surface and a curved upper surface. The subcombination has separate utility such as using the tool for a flat cable where the majority of the flexible flat cable is rolled up.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7. During a telephone conversation with Justin Dillon on 11/17/2005 a provisional election was made without traverse to prosecute the invention of group I, claims 1-17. In a later conversation with Justin Dillon on 11/29/2005, a provisional election was made with traverse to prosecute the invention of group III. Affirmation of this election must be made by applicant in replying to this Office action. Claims 18-24 and 7-17 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

Art Unit: 3726

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Specification***

9. The abstract of the disclosure is objected to because the heading of the abstract cannot contain the title of the invention. The heading may either be "Abstract" or "Abstract of the Disclosure". Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmer et al. (US Patent No. 4,369,946). In regards to claim 1, Palmer et al. disclose:

A tool (**figure 1**) capable of installing and removing a flexible flat cable with respect to a protective sleeve, the tool comprising:

A body (**figure 1, 10**) having a longitudinal axis and a slot (**figure 1, area between 16 and 20**) formed in the body longitudinally about the axis, the slot having a generally arcuate shape (**figure 1, bottom edge of 20**) with a closed end (**figure 1, 20c**) on one side of the body, and an open end (**figure 1, area**

Art Unit: 3726

**between 26 and 16)** on an opposite side of the body, such that the open end forms a receptacle that is adapted to allow lateral ingress and egress of the flexible flat cable; and a shelf (**figure 1, 26**) formed in the body adjacent to the open end of slot that is adapted to capture a side edge of the flexible flat cable in order to retain the flexible flat cable in the body when the flexible flat cable is located in the slot.

12. Concerning claim 2, Palmer et al. disclose an arcuate slot being semi-circular (**figure 1, area between 20a and 20c**), and spanning approximately 180 degrees (**figure 1, area between 20a and 20c**).

13. Regarding claim 3, Palmer et al, disclose a slot defining an inner wall having an inner radius (**figure 1, top of 16**), and an outer wall having an outer radius (**figure 1, bottom of 20**), such that the outer radius is greater than the inner radius, and the shelf is formed at a shelf radius that is greater than a radius of the open end (**figure 1, 26 is greater than 16**).

14. In relation to claim 4, Palmer et al. disclose all claimed information, as listed above, and further disclose that the upper portion of the slot is cantilevered (**figure 1, 20a**) and flexible (**column 1, lines 26-32**) relative to the lower portion (**figure 1, 12**).

15. In regards to claim 5, Palmer et al. disclose all the claimed information including that the upper and lower portions of the body are beveled as seen in figures 2 and 3.

Art Unit: 3726

16. Concerning claim 6, Palmer et al. disclose a body having a flat lower surface (**figure 1, bottom of 12**) and a curved upper surface (**figure 1, top of 20**).

**Conclusion**

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parveris (US Patent No. 5,555,607).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas E. Mazzuca whose telephone number is (571)272-7813. The examiner can normally be reached on 7:30AM-4PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Jimenez can be reached on (571)272-4530. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Mazzuca  
12/5/2005

DEM

  
MARC JIMENEZ  
PRIMARY EXAMINER  
12/6/05